



5. Upon finalization of the Response and the Affidavit, Saihat attempted to file the Response through the Court's efilings system through Pacer.

6. Apparently there was a problem with efilings system or the Pacer website.

7. For reasons which were and are unknown to Saihat the Pacer system would not allow the filing. Repeated attempts were made for several hours on Friday but the results were the same, the Pacer system would not file the Response. The attempted filings started Friday afternoon and continued through Friday evening.

8. Apparently there was a problem with efilings system or the Pacer website.

9. The filings were attempted by the office of Saihats attorney by Saihats attorney and by two experienced paralegals.

10. Additional attempts were made over the weekend.

11. When assistance was sought regarding problems with efilings the office was closed and there was no response.

12. Apparently the problems on the Pacer website were finally resolved and Saihats attorney was able to file the Response on Sunday, August 2, 2020.

#### **REQUEST FOR LEAVE**

13. Saihat requests leave to file the Response after the July 31, 2020, deadline.

14. In the docket entry the court stated that unless Saihat could show cause the Court would consider terminating sanctions against Saihat.

15. In Saihat's Response, Saihat believes that it has provided facts that it did not mediate in bad faith and that terminating sanctions should not be imposed.

16. Saihat complied with the Court's deadline and attempted to timely file the Response.

17. In support of this Motion, Saihat has attached an email to Ms. Jennelle Gonzalez the Court's Case Manager which described the filing problems and attached a copy of the Response and the supporting Affidavit. The email was dated and sent on July 31, 2020. This establishes that the Response had been completed and was ready for filing in compliance with the Court's deadline.

**REQUEST FOR EMERGENCY CONSIDERATION**

18. Because the Court's deadline has passed, Saihat requests that this matter be considered on an emergency basis.

WHEREFORE, Saihat requests that it be granted leave to file its Defendant's Response to the Court's Order to show cause.

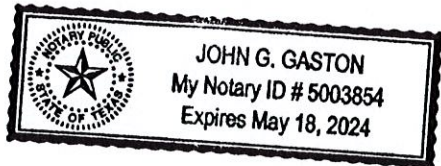
Respectfully submitted,

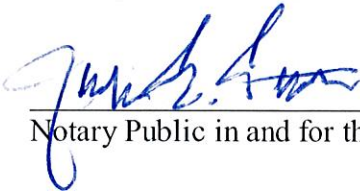
By: /s/ Jerry L. Schutza  
Jerry L. Schutza  
Texas State Bar No. 17853800  
815 Walker Street, Suite 1453  
Houston, Texas 77002  
(713) 963-9988  
(713) 963-0085 (Fax)  
[schutza law@yahoo.com](mailto:schutza law@yahoo.com)

**ATTORNEY FOR DEFENDANT SAIHAT CORPORATION**

  
Jerry L. Schutza

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by the said Jerry L. Schutza to certified which witness, my and seal of office, on this the 3rd day of August, 2020.



  
Notary Public in and for the State of Texas

CERTIFICATE OF CONFERENCE

On August 3, 2020, I conferred with opposing counsel who does not oppose Defendants request for leave of court.

/s/ Jerry L. Schutza

Jerry L. Schutza

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Affidavit was sent to opposing counsel and all parties of interest via electronic service on August 3, 2020.

Via Electronic Service

Mark Cronenwett

/s/ Jerry L. Schutza

Jerry L. Schutza

4:19-cv-00825

Yahoo Mail/Sent



**Jerry Schutza** <schutzalaw@yahoo.com>  
To: jennelle\_gonzalez@tx.uscourts.gov

Jul 31 at 6:49 PM

Ms. Gonzalez

I have been attempting to file the attached response in this case for the past two hours. For reasons of which I am not aware the account will not allow me to file the response. I have had help from two of my assistants and they have been unable to file the document. Pacer does not answer the phone.

I am sending you a copy so that you will be aware of my problem. The response is due today and I do not know what to do. I will continue to try to file.

Jerry L. Schutza  
Attorney At Law  
815 Walker, Suite 1453  
Houston, Texas 77002  
713-963-9988  
281-851-1379 (cell)

Begin forwarded message:

**From:** "Gaston & Thanheiser, P.C." <gastonscanner@gmail.com>  
**Date:** July 31, 2020 at 5:14:34 PM CDT  
**To:** Jerry Schutza <schutzalaw@yahoo.com>  
**Subject:** Send data from MFP12032076 07/31/2020 17:13

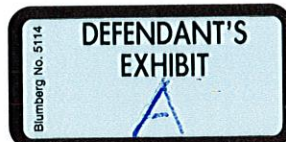
Scanned from MFP12032076  
PUBLIC TEMPLATE GROUP  
SCAN TO\_JLS  
Date:07/31/2020 17:13  
Pages:14  
Resolution:200x200 DPI

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DO NOT REPLY

1 File 724.4kB



DOC073120.pdf  
724kB



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
AMERIQUEST MORTGAGE SECURITIES  
INC., ASSET-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2004-R10,

*Plaintiff,*

VS.

SAIHAT CORPORATION AND  
FAIRMONT PARK EAST  
HOMEOWNERS' ASSOCIATION,

*Defendants.*

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Civil Action No. 4:19-cv-00825

## ORDER

On \_\_\_\_\_, 2020, the Court considered the Emergency Motion For Leave of Court filed by Defendant Saihat Corporation and it is ORDERED that Saihat is granted leave of Court to file its Defendants Response to the Courts Order to show cause.

SIGNED on \_\_\_\_\_, 2020.

U.S. DISTRICT JUDGE